

REMARKS

The withdrawal of the previous grounds of rejection is respectfully acknowledged.

The New Rejections under 35 U.S.C. §103

The rejections of claims 1 and 6-15 under 35 U.S.C. §103, as being obvious over Ambuhl (US Pub. No. 2004/0198645) in view of Huel or further in view of Gaviraghi (WO 00/27397) and Ohkouchi (US Pub. 2004/0180085), are respectfully traversed.

The rejections should be withdrawn because the Ambuhl reference – which is necessary to both rejections – is not available as prior art to the instant application. The Ambuhl reference was published on October 7, 2004. Its PCT filing date (and US filing date for 35 U.S.C. §102(e) purposes) is May 8, 2003. However, both of those dates are after applicants US provisional priority date of October 2, 2002, from US provisional application number 60/415,357. Applicants have also checked the INPADOC database on the EPO website (see attached) and found no applications corresponding to Ambuhl that were published before October 2, 2002. Thus, Ambuhl is not applicable as prior art. Since the rejections have no basis without reliance on Ambuhl, the rejections should be withdrawn.

It is submitted that the application is in condition for allowance. But the Examiner is kindly invited to contact the undersigned to discuss any unresolved matters.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

/John A. Sopp/

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Attorney Docket No.: 01-1395

Date: March 30, 2011

JAS:dap

Family list

11 application(s) for: US2004198645 (A1)

Sorting criteria: Priority Date Inventor Applicant Ecla

1 PHARMACEUTICAL COMPOSITIONS

Inventor:

EC: A61K38/13; A61K9/14H4; (+2)

Publication AR033711 (A1) - 2004-01-07

info:

Applicant: NOVARTIS AG

IPC: A61K38/00; A61K38/13; A61K47/12; (+13)

Priority Date: 2001-05-09

2 Pharmaceutical compositions comprising cyclosporin

Inventor: LAMBERT OLIVIER ; BONNY JEAN-DANIEL (+2)

EC: A61K38/13; A61K9/14H4; (+2)

Publication AU2002341205 (A1) - 2002-11-18

info:

Applicant: NOVARTIS PHARMA GMBH

IPC: A61K38/00; A61K38/13; A61K47/12; (+11)

Priority Date: 2001-05-09

3 PHARMACEUTICAL COMPOSITIONS

Inventor: AMBUEHL MICHAEL ; BONNY JEAN-DANIEL (+2)

EC: A61K38/13; A61K9/14H4; (+2)

Publication BR0209489 (A) - 2004-07-06

info:

Applicant: NOVARTIS AG [CH]

IPC: A61K38/00; A61K38/13; A61K47/12; (+11)

Priority Date: 2001-05-09

4 SOLID PHARMACEUTICAL COMPOSITIONS COMPRISING CYCLOSPORIN

Inventor: LUECKEL BARBARA [DE] ; LAMBERT OLIVIER [FR] (+2)

EC: A61K38/13; A61K9/14H4; (+2)

Publication CA2446798 (A1) - 2002-11-14

Info: CA2446798 (C) - 2009-12-29

Applicant: NOVARTIS AG [CH]

IPC: A61K38/00; A61K38/13; A61K47/12; (+11)

Priority Date: 2001-05-09

5 Pharmaceutical compositions comprising cyclosporin

Inventor: AMBIL M [CH] ; BONNY J D [CH] (+1)

EC: A61K38/13; A61K9/14H4; (+2)

Publication CN1518442 (A) - 2004-08-04

Info: CN100558405 (C) - 2009-11-11

Applicant: NOVARTIS AG [CH]

IPC: A61K38/00; A61K38/13; A61K47/12; (+11)

Priority Date: 2001-05-09

6 COMPOSICIONES FARMACEUTICAS

Inventor: LAMBERT OLIVIER [FR] ; BONNY JEAN-DANIEL (+2)

EC:

Publication ECSP024344 (A) - 2004-06-28

info:

Applicant: NOVARTIS AG

IPC: A61K9/14; A61K9/16; A61K9/28; (+4)

Priority Date: 2001-05-09

7 PHARMACEUTICAL COMPOSITIONS

Inventor: AMBUEHL MICHAEL [CH] ; BONNY JEAN-DANIEL [CH] (+2)

EC: A61K38/13; A61K9/14H4; (+2)

Publication EP1392244 (A2) - 2004-03-03

info:

Applicant: NOVARTIS AG [CH] ; NOVARTIS PHARMA GMBH [AT]

IPC: A61K38/00; A61K38/13; A61K47/12; (+11)

Priority Date: 2001-05-09

8 PHARMACEUTICAL COMPOSITIONS

Inventor:

EC: A61K38/13; A61K9/14H4; (+2)

Publication JP2004528358 (T) - 2004-09-16

info:

Applicant:

IPC: A61K38/00; A61K38/13; A61K47/12; (+16)

Priority Date: 2001-05-09

9 PHARMACEUTICAL COMPOSITIONS

Inventor: AMBUHL MICHAEL [CH] ; LUCKEL BARBARA [DE] (+2)

EC: A61K38/13; A61K9/14H4; (+2)

Publication PE11602002 (A1) - 2003-02-25

info:

Applicant: NOVARTIS AG [CH]

IPC: A61K38/00; A61K38/13; A61K47/12; (+11)

Priority Date: 2001-05-09

10 Pharmaceutical compositions

Inventor: AMBUHL MICHAEL [CH] ; LUCKEL BARBARA [DE] (+2)

EC: A61K38/13; A61K9/14H4; (+2)

Publication US2004198645 (A1) - 2004-10-07

info:

Applicant: AMBUHL MICHAEL ; LUCKEL BARBARA, (+2)

IPC: A61K38/00; A61K38/13; A61K47/12; (+10)

Priority Date: 2001-05-09

11 PHARMACEUTICAL COMPOSITIONS

Inventor: AMBUEHL MICHAEL [CH] ; BONNY JEAN-DANIEL [CH] (+2)

EC: A61K38/13; A61K9/14H4; (+2)

Publication WO02089773 (A2) - 2002-11-14

Info: WO02089773 (A3) - 2003-02-06

Applicant: NOVARTIS AG [CH] ; NOVARTIS ERFIND VERWALT GMBH [AT] (+4)

IPC: A61K38/00; A61K38/13; A61K47/12; (+11)

Priority Date: 2001-05-09

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